

ESTTA Tracking number: **ESTTA195048**

Filing date: **02/27/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048830
Party	Plaintiff Alternative Care Systems, Inc., d/b/a Access Nursing Services
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Date	02/27/2008
Attachments	9204883 Petitioners Reply re Motion to Suspend.pdf ( 3 pages )(15477 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ALTERNATIVE CARE SYSTEMS, INC., d/b/a ACCESS NURSING SERVICES,  Petitioner,  v.  ACCESS NURSES, INC.,  Registrant.	Cancellation No. 92048830  Reg. Nos.: 3,229,311 3,255,217 3,295,434  Marks: ACCESS NURSES ACCESS NURSES AND DESIGN ACCESS HEALTHCARE
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PETITIONER'S REPLY CONSENTING TO REGISTRANT'S MOTION TO SUSPEND  
PENDING CIVIL PROCEEDING 37 C.F.R. § 2.117(a)

On February 8, 2008, Registrant Access Nurses, Inc. ("Access Nurses") filed a "Motion to Suspend Pending Civil Proceeding Under 37 C.F.R. § 2.117(a)", requesting that the Board suspend all proceedings pending final disposition of the following civil action between the parties involving the marks at issue in this cancellation proceeding: *Alternative Care Systems, Inc., d/b/a Access Nursing Services v. Access Nurses, Inc.*, Civil Action No. 07-CV-10537 (CSH), pending before the United States District Court for the Southern District of New York (the "Civil Action").

Petitioner Alternative Care Systems, Inc., d/b/a Access Nursing Services ("Access Nursing") hereby consents to the granting of Registrant's motion. Petitioner agrees that because the Civil Action and this cancellation proceeding involve common questions of fact and law related to the validity of Access Nurses' federal registrations for the marks ACCESS NURSES, ACCESS NURSES AND DESIGN, and ACCESS

HEALTHCARE, shown in U.S. Registration Nos. 3,229,311, 3,255,217, and 3,295,434 respectively, the Board should suspend this cancellation proceeding pending the outcome of the civil action. TBMP § 510. Accordingly, Access Nursing joins in Access Nurses' motion for an order suspending this proceeding pending final determination of the Civil Action.

Dated: February 27, 2008

Respectfully submitted,

/Griffith B. Price, Jr./

Griffith B. Price, Jr.

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Attorney for Petitioner

Alternative Care Systems, Inc., d/b/a  
Access Nursing Services

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing PETITIONER'S REPLY  
CONSENTING TO DEFENDANT'S MOTION TO SUSPEND PENDING CIVIL  
PROCEEDING 37 C.F.R. § 2.117(a) was served on February 27, 2008 by first class  
mail, postage prepaid, on Registrant and the following attorney for Registrant:

Access Nurses, Inc.  
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